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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,002	03/17/2004	Brig Barnum Elliott	03-4042	4392

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VERIZON
PATENT MANAGEMENT GROUP
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ARLINGTON, VA 22201-2909

EXAMINER

OVEISSI, DAVID M

ART UNIT	PAPER NUMBER
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2609

NOTIFICATION DATE	DELIVERY MODE
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08/23/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@VERIZON.COM

Office Action Summary

Application No.

10/803,002

Applicant(s)

ELLIOTT, BRIG BARNUM

Examiner

David Oveissi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Abstract

1. The abstract of the disclosure is objected to because it is 161 words. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

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Claim Rejections - 35 USC § 101

2. **Claims 1-10** are rejected under 35 USC § 101 because the claimed invention is directed to nonstatutory subject matter. MPEP 2106.01 II (Nonfunctional Descriptive Material), states:

"Nonfunctional descriptive material that does not constitute a statutory process, machine, manufacture, or composition of matter and should be rejected under 35 U.S.C. 101. Certain types of descriptive material, such as music, literature, art, photographs, and mere arrangements or compilations of facts or data, without any functional interrelationship is not a process, machine, manufacture, or composition of matter. USPTO personnel should be prudent in applying the foregoing guidance. Nonfunctional descriptive material may be claimed in combination with other functional descriptive multi-media material on a computer-readable medium to provide the necessary functional and structural interrelationship to satisfy the requirements of 35 U.S.C. 101. The presence of the claimed nonfunctional descriptive material is not necessarily determinative of nonstatutory subject matter. For example, a computer that recognizes a particular grouping or sequence of musical notes read from memory and thereafter causes another defined series of notes to be played, requires a functional interrelationship among that data and the computing processes performed when utilizing that data. As such, a claim to that computer is statutory subject matter because it implements a statutory process."

Claims 1-10 as recited constitute nonfunctional descriptive material and thus do not fall into any of the four statutory categories of invention. The respective measurement report formats claimed are merely arrangements of data that provide no functionality.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-5, and 7-27 are rejected under 35 U.S.C. 102 (b) as being anticipated by **Miyazaki et al. (US 2004/0136377 A1)**.

For claims 1, 2, 11, 18, 22, 26, and 27 Miyazaki teaches a method/computer program product on a computer-readable medium for of communicating data, the method comprising:

storing a plurality of transmitted packet headers (see abstract line 7);

providing an uncompressed header to be transmitted (see Fig. 2 unit 12 and 16);

forming a plurality of values (see paragraph 59) by computing, for each of at least two transmitted headers in the plurality of transmitted headers, a corresponding value (see paragraph 59) for deriving the uncompressed header(see Fig4 id units); and

transmitting a packet comprising the plurality of values (see abstract Fig.2 unit 12 and 16).

For claim 3 Miyazaki teaches the packet, wherein the first value corresponds to a difference between: a value representative of a portion of the uncompressed header, and a value representative of a corresponding portion of the second uncompressed header (see Fig.1B "difference data" Fig.26 Da, Db, Dc, Dd, and paragraph 26).

For claim 4 Miyazaki teaches the packet, wherein the second value is computed based on the uncompressed header and the third uncompressed header (see Fig.4 "D1-D2", "D1-D3", "D1-D4").

For claim 5 Miyazaki teaches the packet, wherein the second value corresponds to a difference between: a value representative of a portion of the uncompressed header, and a value representative of a corresponding portion of the third uncompressed header

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(see paragraph 73 and paragraph 129 (ΔD)).

For claim 6 Miyazaki teaches the packet, wherein the first value and the second values are encoded by at least one of: a variable-length code and a sign-based code (see paragraph 443 “data length information”).

For claim 7 Miyazaki teaches the packet of, wherein the uncompressed header, the second uncompressed header, and the third uncompressed header include at least one of: an Internet Protocol header, a Transmission Control Protocol header, a User Datagram Protocol header, and a Real-Time Protocol header (see Fig.29 C and D).

For claim 8 Miyazaki teaches the packet of, wherein the compressed header further comprises: at least one of: a destination address, a packet sequence number, and a packet stream identifier number (see Fig. 29 a, b, c, and d).

For claim 9 Miyazaki teaches the packet of, wherein the compressed header further comprises: at least one other value distinct from the first and second values, the at least one other value for deriving the uncompressed header based on at least one other uncompressed header distinct from the second and third uncompressed headers (see Fig. 29 a, b, c, d, and 13 and paragraph 13).

For claim 10 the packet of, wherein the packets associated with the second and third uncompressed headers are consecutive headers from a packet stream (see Fig. 29 c and d).

For claim 12 Miyazaki teaches the method of, wherein the packet traverses a connection from the first node to the second node that includes no intervening nodes (see Fig.4).

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For claim 13 Miyazaki teaches the method of, wherein the packet traverses a connection from the first node to the second node that includes at least one intervening node (see Fig. 33).

For claim 14 Miyazaki teaches the method of, further comprising: obtaining the first value by computing a difference between: a value representative of a portion of the uncompressed header, and a value representative of a corresponding portion of the second uncompressed header (see Fig. 10 a and b).

For claim 15 Miyazaki teaches the method of, further comprising: obtaining the second value by computing a difference between: a value representative of a portion of the uncompressed header, and a value representative of a corresponding portion of the third uncompressed header (see Fig. 10 a & b and Fig. 11 a & b).

For claim 17 Miyazaki teaches the method of, wherein deriving the uncompressed header at the second node comprises: if the second uncompressed header is maintained at the second node, deriving the uncompressed header by summing the second uncompressed header and the first value; and if the third uncompressed header is maintained at the second node, deriving the uncompressed header by summing the third uncompressed header and the second value (see paragraph 264).

For claims 19 and 23 Miyazaki teaches the method of wherein a predetermined number of transmitted packet headers are stored (see abstract).

For claims 20 and 21 Miyazaki teaches the method of, further comprising: replacing one packet header in the plurality of transmitted packet headers with the uncompressed header (see paragraph 11 and Figs. 29(a)-29(b) and Fig. 1 a).

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For claims 21 and 25 Miyazaki teaches the method of, further comprising: including the uncompressed header in the plurality of transmitted packet headers (see paragraph 60 "plurality of uncompressed packets which have been formed so as to be transmitted prior to the compressed").

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

a. A patent may not be obtained though the invention is not identically disclosed or described as set The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Miyazaki et al. (US 2004/0136377 A1)** in view of **Liu et al. (2005/0083944 A1)**.

For claim 6 Miyazaki teaches all the subject matter with the exception of the packet, wherein the first value and the second value are encoded by at least one of: a variable-

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length code and a sign-based code. However, **Liu** from the same field of endeavor teaches this limitation (see paragraph 52 variable encoding or **Huffman** encoding).

Thus, it would have been obvious to the person of ordinary skill in the art at the time of the to use the variable encoding of **Liu** and use it to encode the first and second values of **Miyazaki**. This is possible because the first and second values can be encoded in many ways. The motivation to use the variable encoding is that it can accommodate more efficiently the variable length packets including headers.

Conclusion

5. Prior art made of record and not relied upon is considered pertinent to applicant's disclosure: **Hata et al. (US 2002/0059464 A1)**, **Amri et al. (5,535,199)**, **(US 6,882,637 B1)**, and **Seada et al. (US 2004/0103277 A1)**.

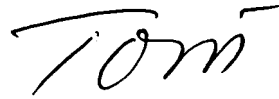
6. Any inquiry concerning this communication or earlier communications from examiner should be directed to David Oveissi whose telephone number is (571) 270-3127. Examiner can normally be reached on Monday to Friday 8:00 AM to 5:00 PM EST.

If attempts to reach examiner by telephone are unsuccessful, examiner's supervisor, Dang Ton can be reached on (571) 272-3171. fax phone number for organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding status of an application may be obtained from Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

D.O



DANG T. TON
SUPERVISORY PATENT EXAMINER